



## COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT

21 Main Street

Monday, June 23, 2025 at 6:30 PM

### MINUTES

---

**AN OPEN MEETING OF THE COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT OF WARRENTON, VIRGINIA, WAS HELD ON JUNE 23<sup>rd</sup>, 2025, AT 6:30PM**

#### Work Session

#### PRESENT

Councilman and Vice Mayor William Semple, Chair; Mr. Kenneth Alm, Vice Chair; Councilman Eric Gagnon, Secretary; Mr. David Norden; Mr. Mike Kokoszka; Mr. Patrick Corish, Town Attorney, Mr. Whitson Robinson, Special Counsel Mr. Chap Petersen, Town Attorney

#### ABSENT

N/A

The minutes laid out below will be a brief recap of the agenda items. For more in-depth information, please see recorded video at: [\[LINK HERE\]](#)

---

### **I. CALL THE MEETING TO ORDER 6:30 PM**

The meeting opened at 6:31 PM by Chairman Semple who declared a quorum present.

---

### **APPROVAL OF THE AGENDA.**

Motion was put forth by Chairman Semple to amend the proposed agenda to add a presentation from the Town Manager

Commissioner Gagnon suggested adding a to discussion and vote for the Commission's Town Records Review Plan to the agenda.

The motion to amend the agenda was made by Commissioner Alm.

The motion was seconded by Chairman Semple

The vote was as follows:

**Ayes:** Semple, Gagnon, Norden, Alm, Kokoszka

**Nays:** None

**Abstention:** None

**Absent:** N/A

---

## **APPROVAL OF MEETING MINUTES**

March 27th, 2025, Meeting of the Warrenton Commission on Open and Transparent Government

Motion put forth to approve the March 27th, 2025 meeting minutes by Commissioner Alm.

Seconded by Commissioner Kokoszka.

The vote was as follows:

**Ayes:** Semple, Gagnon, Norden, Alm, Kokoszka

**Nays:** None

**Abstention:** None

**Absent:** N/A

---

## **BUDGET REVIEW**

Chairman Semple made introductory remarks, indicating that the Town Council had appropriated \$60,000 to underwrite the Special Counsel's investigation, including the retention of an IT expert, with \$50,000 of this amount to be applied to the Special Counsel's work, and \$10,000 to be applied to the work of the IT expert.

Chairman Semple indicated that the Town had received invoices to date from the Special Counsel totaling approximately \$22,500 through the end of April, further indicating that no invoices had yet been received for May and June, and asked the Special Counsel, Whit Robinson, to provide more information.

Special Counsel Robinson responded by saying that he had not billed for May and June because he had unexpectedly encountered a lack of cooperation preventing him from obtaining IT access to Town records, and Mr. Robinson suspended billing due to the amount of time he was spending on this matter. Mr. Robinson indicated he still thought he could move forward with his work within the budget allowed, including the time he has donated to the matter.

Chairman Semple asked Special Counsel Robinson if he still believed that he could complete his tasks as Special Counsel within the amount allocated, and Mr. Robinson replied that this was certainly his intent, and if necessary he would come back to the Commission and Council, but indicated that, outside of court costs, he would continue to dedicate his time to Commission matters and stay within the budget, provided he received cooperation from others.

---

Commissioner Alm asked if there were invoices from May or June that already existed, and Mr. Robinson replied that no charges were billed, but he was keeping records of non-billable time spent on Commission matters.

Commissioner Alm asked Mr. Robinson if the IT expert retained by Mr. Robinson had billed any charges, and Mr. Robinson replied that the IT expert had billed for his work, but those charges were significantly under the amount budgeted.

Chairman Semple asked Mr. Robinson if he would continue to record and disclose his non-billable time spent, and Mr. Robinson said he would continue to do so.

---

## **INVESTIGATION UPDATE**

Special Counsel Robinson provided the investigation update. Reading from a written statement, he opened by stating that while he previously said he believed his investigation process would be completed in a relatively short time, he did not anticipate the delays encountered in gaining access to the Town servers. Mr. Robinson said he believed the plans currently before the Commission would help alleviate these delays.

Mr. Robinson described his research into data center projects in Prince William County, and indicated he found overlap between personnel and procedures between this jurisdiction and Warrenton. Mr. Robinson stated that records request letters may be sent to individuals on this matter, but it would be necessary to review Town server records before sending these letters, or sending them at all.

Mr. Robinson said he would be producing a report describing proposed changes to Town zoning processes based on his findings. He provided a few examples, including suggestions to prevent Town Council members from meeting with developers ahead of the developer's submission of plans to the Town, interfering with the Planning Commission process, and respecting the Town staff's role in evaluating new applications.

Mr. Robinson also stated that personal e-mails were also being used by Town elected officials to conduct Town business, instead of government e-mails, and Town elected officials were sending e-mail messages to other elected officials while excluding others.

Mr. Robinson stated for the record that he would not use his position to target any member of the Town staff, and said the person or persons who may be creating this impression must stop doing so.

Commissioner Alm asked Mr. Robinson to further expand on his remarks concerning his prior 2016 statement on the matter of developer relationships with Town Council and Town Staff, and Mr. Robinson provided this prior written statement to the Commission.

## **Report from the Town Attorney**

Town Attorney Chap Petersen provided the Town Attorney's Report. Mr. Petersen indicated that the discovery process had a difficult start in the review of the Town's records. He reiterated

that the Town owns its own records, and has a presumptive right to view these records, subject to FOIA restrictions. Mr. Petersen stated that there were issues with Town staff concerning protocols for providing large-scale collections of e-mail messages, and stated that everyone was trying to find a balance to accomplish this effort.

Mr. Petersen provided additional remarks concerning Mr. Robinson's statement on developer interaction with Town elected officials and staff, and indicated that guidelines could be developed to address this issue.

Commissioner Alm provided suggestions for additions to these proposed guidelines.

Chairman Semple pointed out the differences between developer relationships in a small town compared to larger jurisdictions.

Mr. Robinson commended the Commissioners for this discussion, and expressed hope that these suggestions would be made part of future guidelines.

### **Discovery Plan Review**

Commissioner Gagnon presented an overview of the Commission's proposed Discovery Plan and Town Records Review Plan, from a printed presentation provided to the Commission.

Commissioner Norden, discussing the previous FOIA controversy involving improper withholding of Town e-mails, asked if the Special Counsel and Town Attorney, instead of the Town Clerk or Town staff, would determine whether or not e-mails could be released.

Mr. Petersen stated that this was correct, adding that FOIA protections govern public release of documents, and whether or not records were exempt from FOIA, the Commission could review those records if they are relevant.

Mr. Semple asked for clarification that queries made to the Town's e-mail database must be relevant.

Special Counsel Robinson replied that he was not interested in finding information that was not relevant to the scope of the Commission, and if there is a question of relevance for a Town record, then Mr. Robinson and Mr. Petersen would decide the issue, and in a worst-case scenario the issue could be taken back to the Commission or the Council for a decision.

Commissioner Norden stated, in clarification to his earlier question, that he wanted to make sure the Town Clerk would not be the one making decisions as to inclusion or relevancy of Town documents.

Mr. Petersen replied that both he and Mr. Robinson would be the ones making these decisions, and not the Town Clerk.

Town Manager Frank Cassidy provided additional remarks, noting that this has been a learning process for the Town staff. He described the compliance requirements for accessing Town records, and expressed concern over the volume of records involved in this process. Mr. Cassidy

stated that if there was a doubt about an issue related to Town records, the Town Attorney would be consulted on the matter.

Commissioner Gagnon stated that the intent of the proposed Town Records Review Plan is to provide the IT expert with open and complete access to Town e-mails, and that once the IT expert has received these e-mails, he would then be able to conduct keyword searches.

Mr. Cassidy replied that although unfettered access to Town e-mail records was not possible without breaching Town IT security systems, he indicated that the Commission does have full access to these records, provided the Commission's IT expert works with the Town's IT director.

Commissioner Kokoszka pointed out that, given the complexity and diversity of the three land use applications being reviewed, it would be difficult for someone to determine relevancy of these records.

Chairman Semple replied that the purpose of the Commission was to produce a report to consider where processes broke down and the influences that were not consistent with an open process, and that the Commission should stay within its scope.

Commissioner Alm asked if all the parties involved in this process were on board with this plan.

Mr. Robinson replied that he agreed to the plan.

Mr. Cassidy replied that he was satisfied with the current status, but could not guarantee that there would not be problems in the future that would need to be resolved.

Mr. Robinson asked for a vote on the proposed plans to solidify them.

Commissioner Gagnon moved for a vote to discuss and approve the Commission Discovery Plan and Town Records Review Plan as drafted.

Seconded by Commissioner Norden

Mr. Cassidy asked for a discussion with the Town staff to resolve security issues concerning the proposed Commission plans.

Mr. Robinson replied that the two plans were reviewed and vetted by the Town Attorney

Chairman Semple proposed a substitute motion to divide the motion into a vote on the two Commission plans separately, with an initial vote on the Discovery Plan.

Commissioner Alm seconded the motion.

Chairman Semple stated that the members of the Commission had only just seen the plan documents.

Commissioner Alm asked if a decision could be made on the Discovery Plan, and for the Commission to meet in one or two weeks to vote on the Town Records Review Plan separately.

Commissioner Norden said he thought that such a delay would not be necessary, that he has had adequate time to review both plan documents, and asked Mr. Petersen if he had the opportunity to review the plan documents.

Mr. Petersen indicated he had no problems with the plan, except for the term "full access" used in plan, but indicated that any issues in this regard could be worked out between him and Mr. Robinson.

Mr. Robinson replied that, if there were any issues, such as access to criminal records information, these could be worked out between him and Mr. Petersen.

The vote to approve the Discovery Plan as a separate document was as follows:

**Ayes: Alm, Norden, Semple**

**Nays: Gagnon, Kokoszka**

**Abstention: N/A**

**Absent: N/A**

Commissioner Gagnon moved to vote to accept the Town Records Review Plan as drafted.

Seconded by Commissioner Kokoszka

Chairman Semple entertained a motion to postpone this vote pending another Commission meeting, either immediately, or in the next quarter.

The motion did not receive a second, and failed.

Chairman then called for discussion on the main motion to vote on the Town Records Review Plan.

Commissioner Norden expressed support for the motion, indicating he wanted to see the process move along, and that Mr. Petersen could address any issues concerning access.

Commissioner Gagnon added that the Town Records Review Plan was the prerequisite to the external records request process from third parties, and that any delay in approval of this plan would mean a delay in this external records request step, and if there are any issues, those issues can be worked out between the Town Attorney and Special Counsel.

The vote to approve the Town Records Review Plan was as follows:

**Ayes: Kokoszka, Gagnon, Alm**

**Nays: Semple, Alm**

**Abstention: N/A**

**Absent: N/A**

---

**UNFINISHED BUSINESS.**

There was no unfinished business

---

**ADJOURNMENT.**

**With no further business, this meeting was adjourned at 8:00 PM on Monday, June 23<sup>rd</sup>, 2025.**

**I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on June 23<sup>rd</sup>, 2025.**

---

Eric Gagnon  
Secretary

Attachments: